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DEC 28 2009

OFFICE OF PETITIONS

In re Application of :  
Leffler et al. :  
Application No. 10/715,610 : DECISION ON PETITION  
Filed: November 18, 2003 :  
Attorney Docket No. 306988.3000-100 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 4, 2009, as required by the Notice of Allowance and Fee(s) Due mailed February 3, 2009. Accordingly, the date of abandonment of this application is May 5, 2009. A Notice of Abandonment was mailed May 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755.00 and publication fee of \$300.00; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the ~~entire~~ delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

The file is now being forwarded to Technology Center 1797 for consideration and review of the Reply To Office Communication filed October 23, 2009 with the instant petition.

Joan Olszewski  
Petitions Examiner  
Office of Petition